

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction



UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Civil Division

23-cv-5487-NRM-SJB

TYRRELL BEN-AVI

) Case No.

)
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

DELTA AIRLINES INCORPORATED
MS. FEI HUANG, IN HER PROFESSIONAL AND
INDIVIDUAL CAPACITY

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	TYRRELL L.S.BEN-AVI
Street Address	2041 7TH AVENUE 1B
City and County	MANHATTAN NEW YORK
State and Zip Code	NEW YORK 10027
Telephone Number	9179009424
E-mail Address	TYRRELLNEWYORK@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Pro Sc 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name	<u>DELTA AIRLINES INCORPORATED</u>
Job or Title (<i>if known</i>)	
Street Address	<u>1030 DELTA BLVD.</u>
City and County	<u>HAPEVILLE FULTON COUNTY</u>
State and Zip Code	<u>GEORGIA 30354</u>
Telephone Number	<u>1 (800) 212-1212</u>
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	<u>MS. FEI HUANG</u>
Job or Title (<i>if known</i>)	<u>FLIGHT ATTENDANT (052446300)</u>
Street Address	<u>1030 DELTA BLVD.</u>
City and County	<u>HAPEVILLE FULTON COUNTY</u>
State and Zip Code	<u>GEORGIA 30354</u>
Telephone Number	<u>1 (800) 212-1212</u>
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* TYRRELL BENAVI, is a citizen of the

State of *(name)* NEW YORK.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated

under the laws of the State of *(name)*,

and has its principal place of business in the State of *(name)*

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* FEI HUANG, is a citizen of

the State of *(name)* GEORGIA.

Or is a citizen of

(foreign nation)

Pro Sc 2 (Rev. 12/16) Complaint and Request for Injunction

b. If the defendant is a corporation

The defendant, (name) DELTA AIRLINES INCORPORATED, is incorporated under the laws of the State of (name) GEORGIA, and has its principal place of business in the State of (name) GEORGIA.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):
**MEDICAL BILLS PAST PRESENT AND FUTURE WILL EXCEED THE \$75,000 THRESHOLD
PUNITIVE DAMAGES**

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

John F. Kennedy International Airport Terminal 4 Gate 20

B. What date and approximate time did the events giving rise to your claim(s) occur?

December 29, 2022 at or around 8:45pm

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

Was anyone else involved? Who else saw what happened?)

Boarded plane and took seat 21F was uncomfortable because of rib of plane, made request to move seats if available. Ms Fei Huang (flight attendant) was combative and dismissive. Lead flight attendant was then called and moved my seat to 17F. Ms. Huang came from the back of the plane, and started to made contact physically pushing her full body weight against my shoulder creating a scene. When I asked lead flight attendant for her name to file complaint, Ms. Huang ran back to front of the plane and told the pilot she was threatened by a black man on the plane and did not feel safe. Ground Supervisor tried to intervene and resolve the matter, I am a frequent passenger on that exact flight. I was forced to exit the plane to discuss the matter and then allowed to retrieve bags left at seat. My carry on was still aboard along with my checked baggaged. I was reassigned a connecting flight, given a food voucher and hotel but could not use the hotel voucher during the layover. I was flying for a major medical procedure and my health was placed in jeopardy, I had a four day hospital stay because of the flight.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

As a frequent flyer, I have never had an incident on any plane especially with my preferred carrier Delta Airline. This incident has damaged my reputation with the airline, namely listing me as a hostile or disruptive passenger that stays with you by the notes left in the database. The embarrassment suffered during the ordeal not to mention the medical risk I was placed in by missing my procedure and my medications still on the plane while I was waiting at the airport because of retaliation. My injuries are long lasting and include mental anguish.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Order Delta/Ms. Huang to cover the cost of the medical procedure \$40,000 , actual damages \$5,000 and punitive damages of \$3,000,000, block Delta from retaliating against Plaintiff for bringing claim.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

07/08/2023

Signature of Plaintiff



Printed Name of Plaintiff

TYRRELL BENAVI

B. For Attorneys

Date of signing:

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Street Address



State and Zip Code



Telephone Number



E-mail Address



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UNITED STATES DISTRICT COURT

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Civil Division

TYRRELL BEN-AVI

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MS. FEI HUANG, IN HER PROFESSIONAL AND
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Job or Title (<i>if known</i>)	
Street Address	<u>1030 DELTA BLVD.</u>
City and County	<u>HAPEVILLE FULTON COUNTY</u>
State and Zip Code	<u>GEORGIA 30354</u>
Telephone Number	<u>1 (800) 212-1212</u>
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	<u>MS. FEI HUANG</u>
Job or Title (<i>if known</i>)	<u>FLIGHT ATTENDANT (052446300)</u>
Street Address	<u>1030 DELTA BLVD.</u>
City and County	<u>HAPEVILLE FULTON COUNTY</u>
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Defendant No. 3

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Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

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B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* TYRRELL BENAVIDEZ, is a citizen of the
State of *(name)* NEW YORK.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* FEI HUANG, is a citizen of
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(foreign nation) _____.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

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III. Statement of Claim

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C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what?*
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V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

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Date of signing:

07/08/2023

Signature of Plaintiff

TYRRELL BENAVIDEZ

Printed Name of Plaintiff

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

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UNITED STATES DISTRICT COURT

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Defendant No. 2

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under the laws of the State of *(name)* _____,
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2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* FEI HUANG, is a citizen of
the State of *(name)* GEORGIA. Or is a citizen of
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Signature of Plaintiff



Printed Name of Plaintiff

TYRRELL BENAVI

B. For Attorneys

Date of signing:

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Street Address



State and Zip Code



Telephone Number



E-mail Address



2041 7th AVENUE
NEW YORK, NY 10027

2.31



CLERK OF THE COURT
225 CADMAN PLAZA EAST
BROOKLYN, N.Y. 11201

